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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 KELLY BENDER,

11 Plaintiff,

12 v.

13 NANCY A BERRYHILL, Deputy
Commissioner of Social Security for
14 Operations,

15 Defendant.

CASE NO. 3:17-CV-05920-DWC

ORDER DIRECTING PLAINTIFF TO
PROVIDE SUPPORTING
DOCUMENTATION FOR A MOTION
FOR ATTORNEY'S FEES

16 Pursuant to 28 U.S.C. § 636(c), Federal Rule of Civil Procedure 73, and Local Rule
17 MJR 13, the parties have consented to have this matter heard by the undersigned Magistrate
18 Judge. *See* Dkt. 4. This matter is before the Court on Plaintiff's "Stipulation to EAJA Fees and
19 Costs" ("Motion"). Dkt. 19.

20 An application for attorney's fees under the Equal Access to Justice Act ("EAJA") must
21 include "an itemized statement from any attorney . . . stating the actual time expended and the
22 rate at which fees and other expenses were computed." 28 U.S.C. § 2412(d)(1)(B). The
23 application must also include an affidavit reflecting Plaintiff's net worth did not exceed
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1 \$2,000,000.00 at the time the civil action was filed. *See* 28 U.S.C. § 2412(d)(2)(B). Finally,
2 because the EAJA awards attorney's fees to "the prevailing party," an application for fees
3 payable directly to a plaintiff's attorney must include an assignment of the EAJA fee award from
4 the plaintiff to his or her attorney. *See* 28 U.S.C. § 2412(d)(1)(A); *Astrue v. Ratliff*, 560 U.S. 586,
5 598 (2010).

6 For the present Motion, Plaintiff did not submit to the Court: 1) an itemized billing
7 statement stating the actual time expended and the rate at which fees and other expenses were
8 computed; 2) an affidavit reflecting Plaintiff's net worth did not exceed \$2,000,000.00 at the
9 time the civil action was filed; or 3) a copy of a fee agreement or other assignment of Plaintiff's
10 interest in the attorney's fee award to her attorney.

11 Plaintiff is hereby ordered to provide to the Court: 1) an itemized billing statement stating
12 the actual time expended and the rate at which fees and other expenses were computed; 2) an
13 affidavit or declaration reflecting Plaintiff's net worth did not exceed \$2,000,000.00 at the time
14 the civil action was filed; and 3) a copy of a fee agreement, an affidavit, a declaration, or other
15 assignment of Plaintiff's interest in the attorney's fee award to his attorney by August 1, 2018.

16 Dated this 18th day of July, 2018.

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18 David W. Christel
19 United States Magistrate Judge
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